

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:18-bk-03372-JJT
Jose R. Marrero d/b/a Topp Notch Contracting	: Chapter 13
and Jessica Marrero	:
Debtors	:
	:
Wilmington Trust, NA, successor trustee to	:
Citibank NA, as trustee on behalf of the	:
registered holders of Bear Stearns Asset	:
Backed Securities I Trust 2006-HE3, Asset-	:
Backed Certificates, Series 2006-HE3 c/o	:
Select Portfolio Servicing, Inc.	:
Movant	:
vs.	:
	:
Jose R. Marrero d/b/a Topp Notch Contracting	:
and Jessica Marrero	:
Debtors/Respondents	:
and	:
Charles J DeHart, III, Esquire	:
Trustee/Respondent	:

OBJECTION TO CONFIRMATION OF THE PLAN

Movant, Wilmington Trust, NA, successor trustee to Citibank NA, as trustee on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2006-HE3, Asset-Backed Certificates, Series 2006-HE3 c/o Select Portfolio Servicing, Inc. ("Movant"), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtors, Jose R. Marrero d/b/a Topp Notch Contracting and Jessica Marrero ("Debtors"), as follows:

1. As of the bankruptcy filing date of August 13, 2018, Movant holds a secured Claim against the Debtors' property located at 4070 Holiday Drive, Pocono Summit, PA 18346.
2. On October 22, 2018 Movant filed a Proof of Claim citing a secured claim in the amount of \$214,720.04, with pre-petition arrears in the amount of \$20,389.63.
3. The Plan currently proposes payment to Movant in the amount of \$10,000.00 for pre-petition arrears.
4. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).
5. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

6. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtors is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

Dated: 10/24/2018

s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Attorney I.D. # 81747
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521/Fax 215-855-9121
debersole@hoflawgroup.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:18-bk-03372-JJT
Jose R. Marrero d/b/a Topp Notch Contracting	: Chapter 13
and Jessica Marrero	:
Debtors	:
	:
Wilmington Trust, NA, successor trustee to	:
Citibank NA, as trustee on behalf of the	:
registered holders of Bear Stearns Asset	:
Backed Securities I Trust 2006-HE3, Asset-	:
Backed Certificates, Series 2006-HE3 c/o	:
Select Portfolio Servicing, Inc.	:
Movant	:
vs.	:
	:
Jose R. Marrero d/b/a Topp Notch Contracting	:
and Jessica Marrero	:
Debtors/Respondents	:
and	:
Charles J DeHart, III, Esquire	:
Trustee/Respondent	:

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for Wilmington Trust, NA, successor trustee to Citibank NA, as trustee on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2006-HE3, Asset-Backed Certificates, Series 2006-HE3 c/o Select Portfolio Servicing, Inc. ("Movant"), certify that I served a copy of the attached Objection to the Plan to the parties below on **10/24/2018**:

Patrick James Best, Esquire
Via ECF
Attorney for Debtors

Charles J DeHart, III, Esquire
Via ECF
Trustee

Jose R. Marrero d/b/a Topp Notch Contracting
Jessica Marrero
5008 Holiday Drive
Pocono Summit, PA 18346
Via First Class Mail
Debtors

Date: 10/24/2018

Respectfully Submitted,
s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Attorney I.D. # 81747
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521/Fax 215-855-9121
debersole@hoflawgroup.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:18-bk-03372-JJT
Jose R. Marrero d/b/a Topp Notch Contracting	: Chapter 13
and Jessica Marrero	:
Debtors	:
	:
Wilmington Trust, NA, successor trustee to	:
Citibank NA, as trustee on behalf of the	:
registered holders of Bear Stearns Asset	:
Backed Securities I Trust 2006-HE3, Asset-	:
Backed Certificates, Series 2006-HE3 c/o	:
Select Portfolio Servicing, Inc.	:
Movant	:
vs.	:
	:
Jose R. Marrero d/b/a Topp Notch Contracting	:
and Jessica Marrero	:
Debtors/Respondents	:
and	:
Charles J DeHart, III, Esquire	:
Trustee/Respondent	:

ORDER

Upon consideration of Wilmington Trust, NA, successor trustee to Citibank NA, as trustee on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2006-HE3, Asset-Backed Certificates, Series 2006-HE3 c/o Select Portfolio Servicing, Inc.' Objection to Confirmation of the proposed Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this _____ day of _____, 2018 ORDERED that the Confirmation is DENIED.

BY THE COURT:

Honorable John J. Thomas
United States Bankruptcy Judge